

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
2006 Quadrennial Regulatory Review –)	MB Docket No. 06-121
Review of the Commission’s Broadcast)	
Ownership Rules and Other Rules Adopted)	
Pursuant to Section 202 of the)	
Telecommunications Act of 1996)	
)	MB Docket No. 02-277
2002 Biennial Regulatory Review – Review)	
of the Commission’s Broadcast Ownership)	
Rules and Other Rules Adopted Pursuant)	
to Section 202 of the Telecommunications)	
Act of 1996)	MM Docket No. 01-235
)	
Cross-Ownership of Broadcast Stations and)	
Newspapers)	MM Docket No. 01-317
)	
Rules and Policies Concerning Multiple)	
Ownership of Radio Broadcast Stations in)	
Local Markets)	MM Docket No. 00-244

Definition of Radio Markets

To the Commission:

Additional Formal Comments of Nickolaus E. Leggett

I am one of the original petitioners for the establishment of the Low Power FM (LPFM) radio broadcasting service (RM-9208 July 7, 1997 subsequently included in MM Docket 99-25). I am also a certified electronics technician and an Extra Class amateur radio operator (call sign N3NL). I am an inventor holding three U.S. Patents. My latest patent is a wireless bus for digital devices and computers (U.S. Patent # 6,771,935). I have a Master of Arts degree in Political Science from the Johns Hopkins University. I am also one of the petitioners in the recent docket to establish a low power radio

service on the AM broadcast band (RM-11287). These comments are in addition to my comments filed on August 8, 2006 and August 13, 2006.

Loss of Lives and Property Due to Consolidation

There are press and anecdotal reports that lives and property have been lost during emergencies due to media consolidation. This loss is directly attributed to the replacement of locally-oriented broadcasting stations with consolidated stations broadcasting nationally-oriented content. This replacement of local broadcasting stations has led to emergency situations being not covered at all or inadequately covered. As a result, local residents are not warned of dangerous situations and do not receive emergency information.

Liability Aspects of Media Consolidation

Loss of lives and property suggest that consolidated broadcasting media may be responsible for these losses and may be subject to successful legal action. This could involve very major financial amounts in the case of significant natural disasters. Clearly this type of case would be very complicated and controversial with years of litigation involved.

I am not a lawyer and so I cannot authoritatively answer the question of the liability of consolidated broadcasters for lives and property lost in emergencies. However, I am requesting that the Commission assign legal staff to investigate this subject and to report their findings to the Commission and the public in this docket.

Emergency Control of Consolidated Broadcasting

In addition, any broadcasting station or translator that transmits remotely generated program content must be subject to emergency override control by local emergency authorities. For example, local or state emergency authorities would have the technical means to remotely override a radio station that is broadcasting music and directly speak to the station's listeners.

The Commission should require the broadcasting stations to provide the necessary remote control equipment to the governmental authorities. This requirement would not apply to broadcasting stations that are locally oriented and under continuous manual on-site control.

In addition, each station and translator that is not manually controlled should be required to have an onsite generator system with at least two week's supply of fuel connected to the generator. This would allow the station to continue under the remote control of the emergency authorities while the transportation infrastructure is damaged or disabled. This requirement would not apply to stations or translators powered by solar, wind, or onsite hydroelectric energy.

These new requirements would allow consolidated broadcast media to provide at least some local emergency coverage in severe and widespread emergencies including natural disasters and terrorist attacks.

Requested Actions

The Commission should actively and thoroughly investigate the legal liability of consolidated media for lives and property lost or damaged during significant emergencies. In addition, the Commission should develop rules allowing local and state emergency authorities to remotely control consolidated broadcast stations for the purpose of transmitting timely emergency information.

Procedural Question

Why are the public hearings on ownership being held after the comment period for written comments is closed? In my opinion, this violates my Constitutional rights to submit additional comments based on the comments submitted by the various parties in the public hearings.

Respectfully submitted,

Nickolaus E. Leggett, LPFM Petitioner (RM-9208)

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